

Ramsey M. Al-Salam, Bar No. 109506
RAlsalam@perkinscoie.com
Christina J. McCullough, Bar No. 245944
CMcCullough@perkinscoie.com
PERKINS COIE LLP
1201 Third Avenue, 49th Floor
Seattle, WA 98101
Tel: 206.359.8000
Fax: 206.359.9000

Daniel T. Shvodian, Bar No. 184576
DShvodian@perkinscoie.com
PERKINS COIE LLP
3150 Porter Drive
Palo Alto, CA 94304-1212
Tel: 650.838.4300
Fax: 650.737.5461

Attorneys for Plaintiff
IMPINJ, INC.

David L. Witcoff (admitted *pro hac vice*)
Illinois State Bar No. 06183629
dlwitcoff@jonesday.com
JONES DAY
77 West Wacker Dr.
Chicago, IL 60601
T: (312) 782-3939
F: (312) 782-8585

Michael C. Hendershot, Bar No. 211830
mhendershot@jonesday.com
JONES DAY
1755 Embarcadero Road
Palo Alto, CA 94303
T: (650) 739-3940
F: (650) 739-3900

Attorneys for Defendant
NXP USA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IMPINJ, INC.,

Plaintiff,

v.

NXP USA, INC.,

Defendant.

Case No. 4:19-cv-03161-YGR

AMENDED JOINT CLAIM CONSTRUCTION STATEMENT AND PREHEARING STATEMENT PURSUANT TO STANDING PATENT ORDER PARAGRAPH 2(e)

Judge: Honorable Yvonne Gonzalez Rogers

Pursuant to Patent Local Rule 4-3 and the Court’s Standing Order For Patent Cases, Plaintiff Impinj, Inc. (“Impinj”) and Defendant NXP USA, Inc. (“NXP”), by and through their respective undersigned counsel, submit as Exhibit A the following Joint Claim Construction and Prehearing Statement (“Joint Statement”) for U.S. Patent Nos. 9,633,302 and 9,495,631 (collectively, “the Patents”). In accordance with the Court’s Standing Order for Patent Cases, the Patents are attached as Exhibits B and C.

Claim Terms on Which the Parties Agree (Patent L.R. 4.3(a))

As noted in the parties’ previous statement, the parties agree on the construction of the following claim term of the Patents:

Patent-in-Suit	Claim Term	Agreed Construction
9,633,302	non-convex shape	shape having its end widths wider than its center width

I. Disputed Terms and Supporting Evidence (Patent Local Rule 4-3(b))

Pursuant to Patent Local Rule 4-3(b) and paragraph 2(e) of the Court’s Standing Order For Patent Cases, the chart attached as Exhibit A to this statement sets forth (a) the claim terms from the Patents for which the parties have not agreed on a construction, (b) each party’s proposed constructions for those terms, (c) references from the specification or prosecution history of the Patents that each party contends support its proposed construction, and (d) extrinsic evidence known to each party on which it intends to rely either to support its proposed construction or to oppose the other party’s proposed construction. Exhibit A does not differ from the previously-filed Exhibit A.

The parties will continue to discuss their disputed constructions in an attempt to narrow, if not eliminate, at least some of these disputes, including by proposing additional or responsive claim constructions. Each party also expressly reserves the right to rely on the evidence identified by the other party.

II. Most Significant and Dispositive Terms (Patent L.R. 4.3(c))

The parties together propose nine contested terms for construction. Exhibit A thus identifies all the terms that are proposed and are most significant to the resolution of the case. The parties

1 understand that one or both parties contend that the constructions of each of these terms may be
2 claim dispositive, depending on how the terms are construed. The parties have provided impact
3 statements for the contested claim construction terms in the chart attached as Exhibit A to this Joint
4 Statement.

5 **III. Length of Time for Claim Construction Hearing (Patent L.R. 4.3(d))**

6 The claim construction hearing is currently scheduled for March 23, 2021 at 2:00 PM. *See*
7 D.I. 70.

8 The parties estimate that four hours should be scheduled for the claim construction hearing.
9 That time should be divided equally between the parties.

10 **IV. Witnesses to Be Called at Claim Construction Hearing (Patent L.R. 4.3(e))**

11 As reflected in Exhibit A, the parties have identified expert witnesses in connection with
12 claim construction issues and have exchanged declarations setting forth those witnesses' testimony
13 and opinions related to claim construction on December 8, 2020. However, the parties do not
14 expect to call any expert witness to present live testimony at the hearing.

15 **V. Identification of Any Factual Findings Requested From the Court Related to**
16 **Claim Construction (Patent L.R. 4.3(f))**

17 The parties seek factual findings that a person of ordinary skill in the art, as of the filing
18 dates of the Patents, would have interpreted the claim terms identified in Exhibit A in the manners
19 presented by the expert witnesses identified therein.

1 DATED: March 2, 2021

By: /s/ Ramsey M. Al-Salam

Ramsey M. Al-Salam, Bar No. 109506
Christina J. McCullough, Bar No. 245944
PERKINS COIE LLP
1201 Third Avenue, 49th Floor
Seattle, WA 98101
Tel: 206.359.8000
Fax: 206.359.9000
RAISalam@perkinscoie.com
CMcCullough@perkinscoie.com

Daniel T. Shvodian, Bar No. 184576
PERKINS COIE LLP
3150 Porter Drive
Palo Alto, CA 94304-1212
Tel: 650.838.4300
Fax: 650.737.5461
DShvodian@perkinscoie.com

Attorneys for Plaintiff
IMPINJ, INC.

/s/ David L. Witcoff

David L. Witcoff (admitted *pro hac vice*)
Illinois State Bar No. 06183629
dlwitcoff@jonesday.com
Jones Day
77 West Wacker Dr.
Chicago, IL 60601
T: (312) 782-3939
F: (312) 782-8585

Michael C. Hendershot
Bar No. 211830
mhendershot@jonesday.com
Jones Day
1755 Embarcadero Road
Palo Alto, CA 94303
T: (650) 739-3940
F: (650) 739-3900

Attorneys for Defendant
NXP USA, INC.

SIGNATURE ATTESTATION

Pursuant to Civil L.R. 5.1, I hereby attest that I have obtained the concurrence in the filing of this document from all the signatories for whom a signature is indicated by a “conformed” signature (/s/) within this e-filed document and I have on file records to support this concurrence for subsequent production for the Court if so ordered or for inspection upon request.

Dated: March 2, 2021

/s/ Ramsey M. Al-Salam